

\*\*\* NOT FOR PUBLICATION \*\*\*

NO. 26461

IN THE SUPREME COURT OF THE STATE OF HAWAII

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HEATHER WHITFIELD OUTLAW, formerly known as Heather Kurpis,  
Plaintiff-Appellee

vs.

PETER KURPIS, Defendant-Appellant

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APPEAL FROM THE FAMILY COURT OF THE THIRD CIRCUIT  
(FC-D NO. 98-150K)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon review of the record, it appears that the family court's December 1, 2003 and February 20, 2004 orders did not end the proceedings on the March 18, 2003 and March 25, 2003 motions for post-decree relief inasmuch as the orders did not determine the issues of payment of uninsured health expenses and payment of educational expenses raised in plaintiff's March 18, 2003 motion. Absent a determination of those issues, the appeal of the December 1, 2003 and February 20, 2004 orders is premature. See Familian Northwest Inc. v. Central Pacific Boiler & Piping, Ltd., 68 Haw. 368, 714 P.2d 936 (1986) (a post-judgment order is an appealable final order under HRS § 641-1(a) if it finally ends the post-judgment proceedings, leaving nothing further to be determined). Therefore,

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IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, July 7, 2004.